

Senate File 2272

S-5063

1 Amend Senate File 2272 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 614.1, subsection 9, paragraph
5 a, Code 2016, is amended to read as follows:

6 a. Except as provided in paragraph `b`, those
7 founded on injuries to the person or wrongful death
8 against any physician and surgeon, osteopathic
9 physician and surgeon, dentist, podiatric physician,
10 optometrist, pharmacist, chiropractor, physician
11 assistant, or nurse, licensed under [chapter 147](#), or a
12 hospital licensed under [chapter 135B](#), arising out of
13 patient care, within two years after the date on which
14 the claimant knew, or through the use of reasonable
15 diligence should have known, or received notice in
16 writing of the existence of, the injury or death for
17 which damages are sought in the action, whichever of
18 the dates occurs first, but in no event shall any
19 action be brought more than six years after the date
20 on which occurred the act or omission or occurrence
21 alleged in the action to have been the cause of the
22 injury or death unless a foreign object unintentionally
23 left in the body caused the injury or death or as
24 provided in paragraph `c`.

25 Sec. 2. Section 614.1, subsection 9, Code 2016, is
26 amended by adding the following new paragraph:

27 NEW PARAGRAPH. c. (1) An action subject to
28 paragraph `a` may be brought more than six years after
29 the date on which the act, omission, or occurrence
30 alleged in the action occurred if either of the
31 following are true:

32 (a) The plaintiff alleges in a pretrial motion and
33 the judge finds that the undisputed facts demonstrate
34 that the plaintiff was induced to refrain from
35 bringing a timely action by the defendant's fraud,

1 misrepresentation, or concealment of material facts or
2 that the plaintiff continued to receive medical care
3 from the defendant more than six years after the date
4 on which the act, omission, or occurrence alleged in
5 the action occurred and the substandard care alleged in
6 the action continued throughout the period of time the
7 defendant provided such care.

8 (b) The plaintiff alleges in a pretrial motion, the
9 judge determines that the facts are disputed, and the
10 jury finds that the plaintiff was induced to refrain
11 from bringing a timely action by the defendant's fraud,
12 misrepresentation, or concealment of material facts or
13 that the plaintiff continued to receive medical care
14 from the defendant more than six years after the date
15 on which the act, omission, or occurrence alleged in
16 the action occurred and the substandard care alleged in
17 the action continued throughout the period of time the
18 defendant provided such care.

19 (2) This paragraph "c" does not supersede the
20 provisions of chapter 135P.>

21 2. Title page, by striking line 1 and inserting
22 <An Act relating to the statute of repose for medical
23 malpractice claims.>

STEVEN J. SODDERS